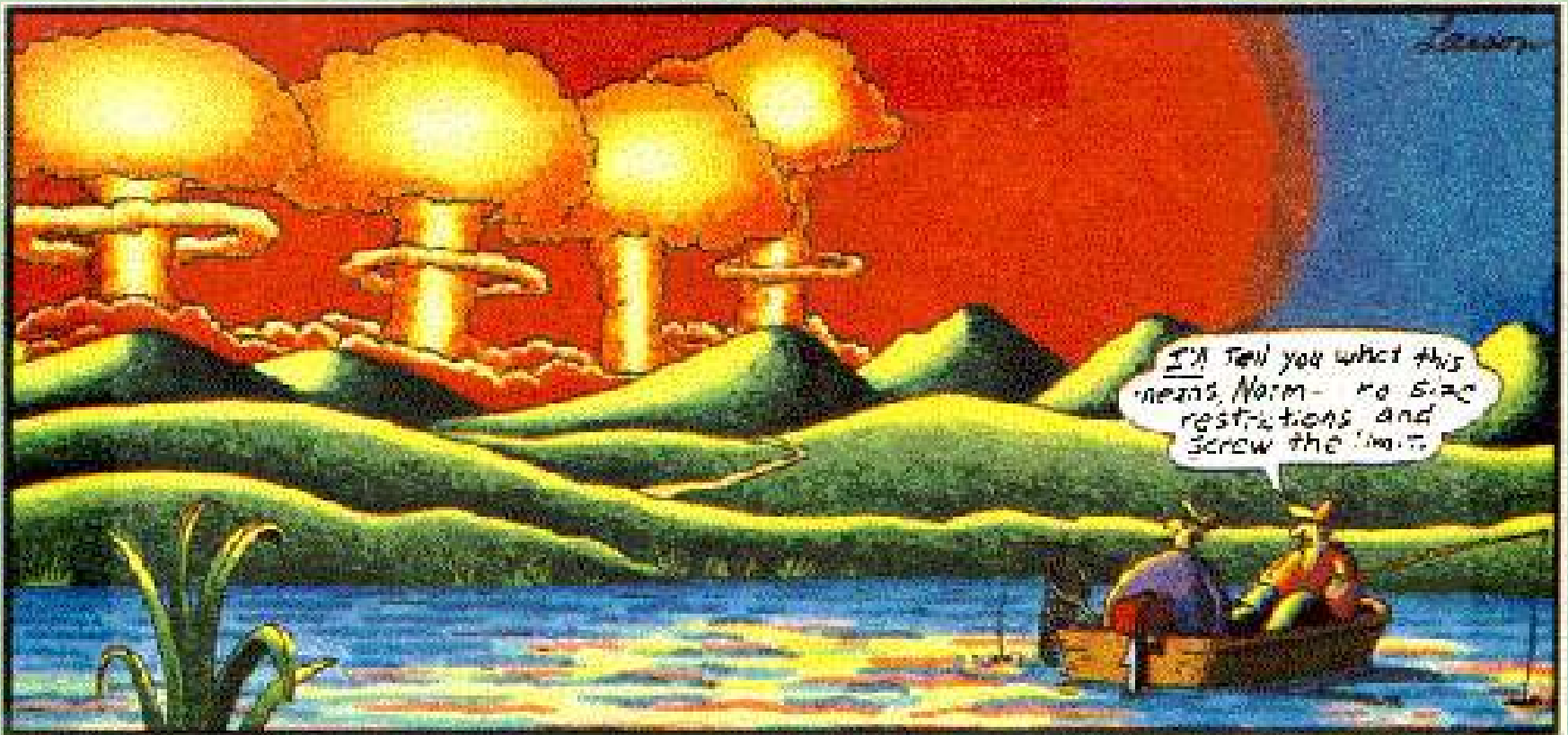


DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Michael Pixton
Emergency Response Unit
(510) 540-3742
mpixton@dtsc.ca.gov

California's Clan Lab Scene.....



History



- Prior to 1994 - DTSC's Emergency Response Program handled drug lab abandonment's. 10-20% of annual ER removals. DTSC did not respond to active labs.
- 1994 passage of SB 47X directed DTSC to conduct removals at clan lab sites when requested by state or local law enforcement.

Illegal Drug Lab Cleanup Account

- ❖ Illegal Drug Lab Cleanup Account
- ❖ Prior to July 1, 1995, clan lab removals were administered by DOJ under H&SC Sections 11473.5, 11474, 11479 and 11479.5.
- ❖ Program fully established within DTSC under authority of revised H&SC Section 25354.5 (sunset on January 1, 1999).
- ❖ Provided for emergency removal actions at clan lab sites in support of state or local law enforcement.
- ❖ Called “Interim Measures” since January 1st.

..and the Statute says.....

- 25354.5 of Chapter 6.8, Division 20 CHSC
“...the department shall take removal action, as necessary, with respect to any hazardous substance that is an illegal controlled substance, a precursor..., a material to be used in the unlawful manufacture of a controlled substance, or a waste material from the unlawful manufacture of a controlled substance.

Implementation Strategy

- Don't reinvent the wheel; use the long-time ERP model
- Extensive use of private contractors. Focused field responses (e.g. complex sites, contractor oversight)
- Reliance on good working relationship w/ local response agencies; health, law, fire, etc.



Acute vs. Chronic...
Qualitative vs. Qualitative...
Bang for the Buck....



- DTSC removals performed using field ID techniques (monitoring and hazcat)
- No pre or post sampling
- Only materials posing acute threats are taken.
- Scope of removal determined by DTSC Duty Officer or DTSC staff at scene.
- No evidentiary support for law enforcement or local health
- Post removal actions left to county/local health officials.



WHO CAN ACCESS?



- ❖ Any state or local law enforcement agency representative involved in an enforcement action at a clandestine drug laboratory (includes boxed labs).
- ❖ Any public agency representative responding to an abandonment of hazardous wastes generated by a clandestine drug laboratory.



HOW TO ACCESS

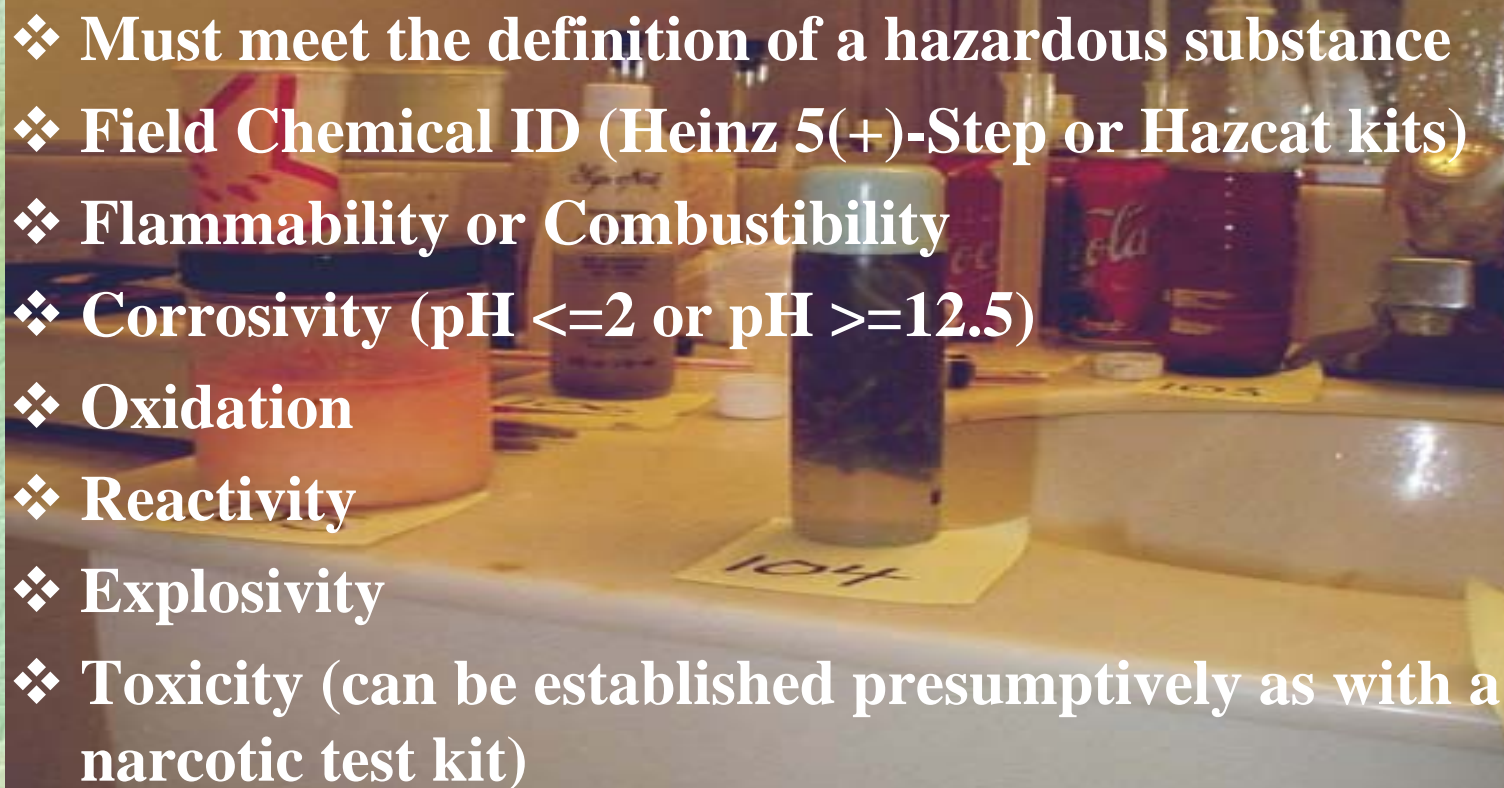
- ❖ Business hours, 8 - 5
Monday - Friday, call
(800) 260-3972 or
(916) 323-3600
- ❖ After hours, holidays or
weekends, call the State
Warning Center at
(800)852-7550
- ❖ Ask for the DTSC
Emergency Response
Duty Officer



DTSC DUTY OFFICER

- ❖ Receives requests for assistance.
- ❖ Determines if request meets funding criteria.
- ❖ Establishes contractor scope-of-work.
- ❖ Obtains estimate for response from DTSC contractor.
- ❖ Authorizes contractor to respond.
- ❖ Issues USEPA ID# for hazardous waste manifest.
- ❖ Only person that has authority to direct DTSC contractors.
- ❖ Responsible for the notification and dispatch of technical staff when assistance is requested.

FUNDING CRITERIA

- ❖ Must meet the definition of a hazardous substance
 - ❖ Field Chemical ID (Heinz 5(+)-Step or Hazcat kits)
 - ❖ Flammability or Combustibility
 - ❖ Corrosivity ($\text{pH} \leq 2$ or $\text{pH} \geq 12.5$)
 - ❖ Oxidation
 - ❖ Reactivity
 - ❖ Explosivity
 - ❖ Toxicity (can be established presumptively as with a narcotic test kit)
- 

DTSC WILL NOT FUND

- ❖ Waste oil.
- ❖ Diesel fuel.
- ❖ Petroleum fuels, unless used as solvents.
- ❖ Infectious waste, with the exception of sharps.
- ❖ Small quantities of common household commodities.
- ❖ Propane tanks with or without propane.
- ❖ Cleanups on federally owned properties when the requestor is a federal agency employee or representative (i.e., DEA, U.S. Park Service, etc.).
- ❖ Removals from tribal lands or reservations.
- ❖ Remedial action costs, i.e., extensive soil cleanup, removal of solid waste & structural appurtenances.

OTHER IMPORTANT FACTS

- ❖ Approximately \$6,100,000 is available through direct contractor services (until July 1, 2002).
- ❖ This is not a reimbursement program.
- ❖ This does not provide for evidentiary collection or storage.
- ❖ If responding in support of law enforcement, the requesting agency is responsible for maintaining site security until the removal is completed.

SOME COMMON LOGISTICAL PROBLEMS

- ❖ Requests are made prematurely before the initial assessment is complete.
- ❖ Disposal pits may be overlooked or not reported.
- ❖ Removal contractor has to wait on site for criminalist to complete evidentiary sampling.
- ❖ DTSC contacted days after enforcement action.

EVEN SOME MORE LOGISTICAL PROBLEMS

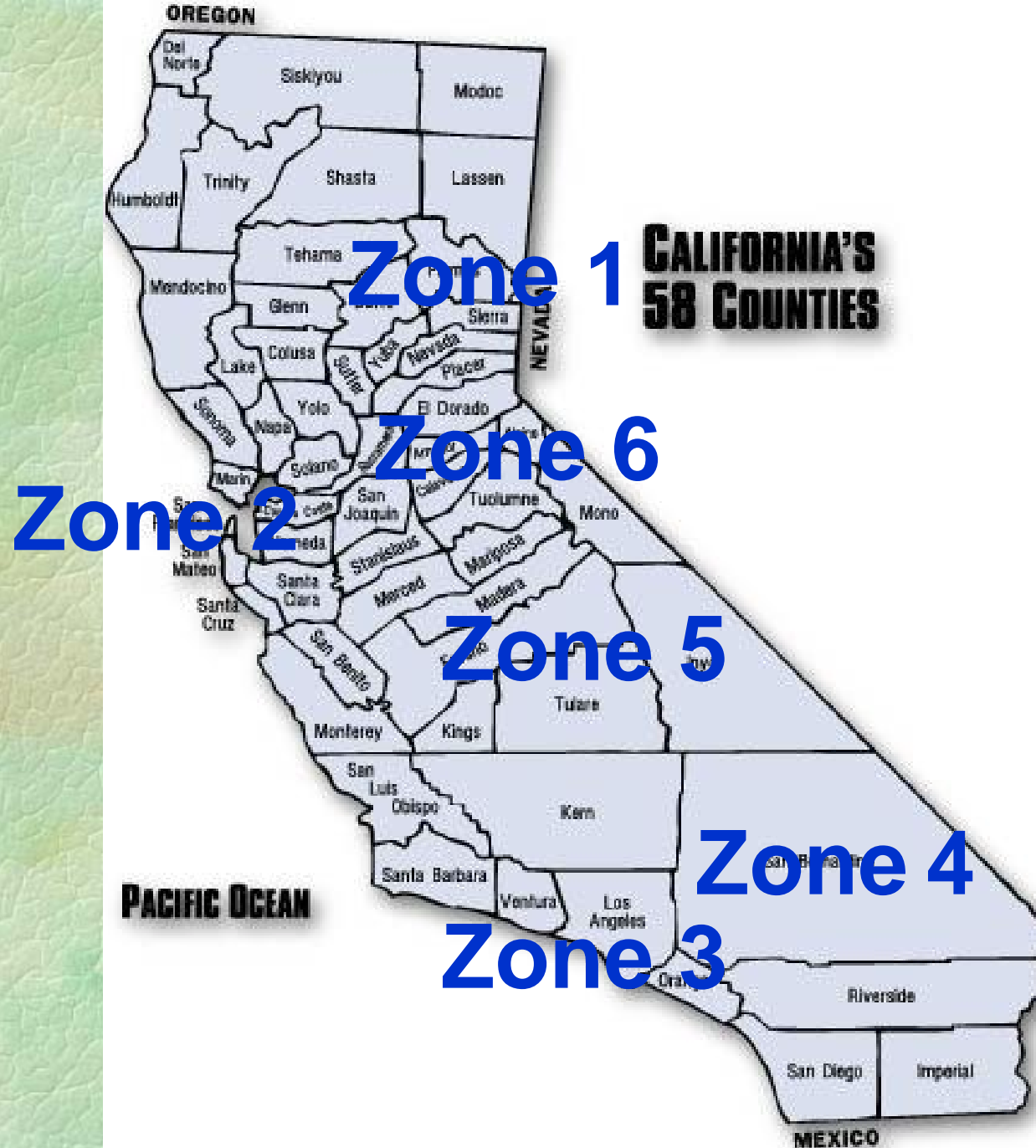
- ❖ Law enforcement may not maintain scene control to accommodate soil removal (due to concerns about overtime expenditures).
- ❖ Local law enforcement may not coordinate with DOJ task forces.
- ❖ DEA coordination may be a challenge.

DTSC CONTRACTORS

- ❖ DTSC contractors are not first responders.
- ❖ If a Level A response is necessary, i.e., for an LSD or Fentanyl lab, your local hazmat or DEA level B+ team may be contacted.
- ❖ DTSC contractors are dispatched only by the DTSC Duty Officer.

DTSC ZONE CONTRACTORS

- ❖ Zone 1 - A/C Industrial (N. California)
- ❖ Zone 2 - Philip Services (North Coast)
- ❖ Zone 3 - Environmental Dynamics, Inc. (LA Basin)
- ❖ Zone 4a- Industrial Waste (primary)
- ❖ Zone 4b- Consolidated (secondary)
- ❖ Zone 5 - PARC (San Joaquin Valley)
- ❖ Zone 6 - out for bid (Sac, Stockton)



DOCUMENTATION

- 
- ❖ DTSC Clandestine Laboratory Incident Report (CLIR)
 - ❖ DTSC Clan Lab Cleanup Work Log
 - ❖ Copy of Hazardous Waste Manifest
 - ❖ Copies of Investigative Reports

What's Your Role?

- ❖ Investigative (Law Enforcement)
- ❖ Hazmat Emergency Response (Fire, Health)
- ❖ Fire Suppression (Fire)
- ❖ Assessment (Law, Health, Fire)
- ❖ Removal (DTSC, Contractor)
- ❖ Remediation (Health, Property Owner)
- ❖ Support (CPS, Animal Control, Ag Inspector ...)

NOTIFICATIONS

❖ **HSC SECTION 11642(c)(2)** The local law enforcement agency or Department of Justice shall notify the local health officer within 24 hours of the seizure of a laboratory used for the unlawful manufacture of a controlled substance.

The local health officer shall either:

(A) Make a determination as to whether the site poses an immediate threat to public health and safety, and if so, shall undertake immediate corrective action

(B) Notify the State Dept. of Health Services.

NOTIFICATIONS (Continued)

- ❖ Senate Bill 47 re-established Health and Safety Code 6.8 in May of 1999
- ❖ Revised **HSC Section 25354.5**
- ❖ Section 25354.5(b)(2) has been added and requires DTSC to provide information to the local environmental health officer.

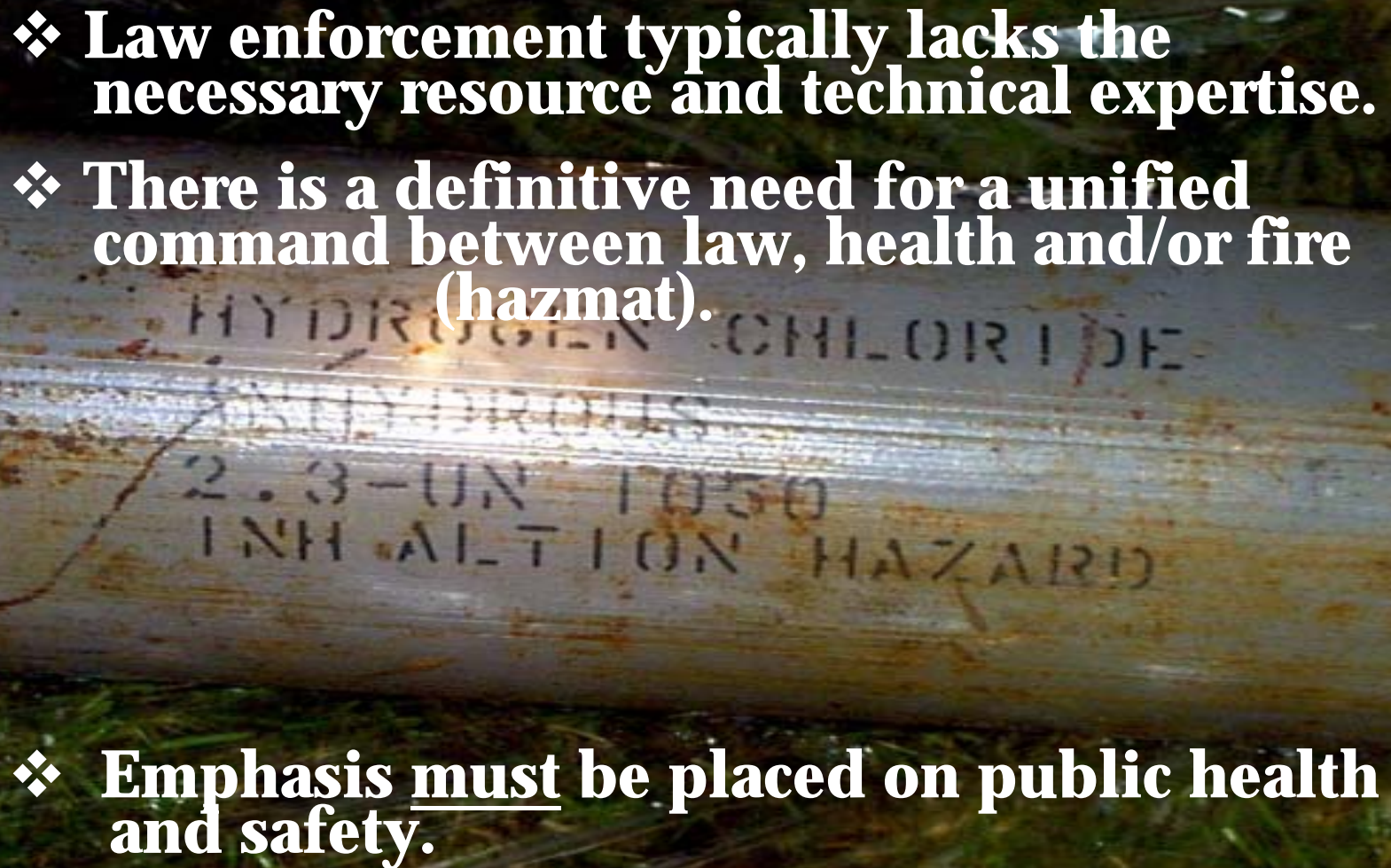
NOTIFICATIONS (Continued)

- ❖ **HSC SECTION 25354.5(b)(2)** The department shall, as soon as the information is available, report the location of any removal action that will be carried out pursuant to paragraph (1), and the time that the removal action will be carried out, to the local environmental health officer within whose jurisdiction the removal action will take place, if the local environmental health officer does both of the following:
 - (A) **Requests, in writing, that the department report...**
 - (B) **Provides the department with a single 24-hour #**

MAIL YOUR WRITTEN REQUEST TO:

**Chief
Emergency Response Unit
Site Mitigation Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806**

Compressed Gas Cylinder Mitigation

- ❖ Law enforcement typically lacks the necessary resource and technical expertise.
 - ❖ There is a definitive need for a unified command between law, health and/or fire (hazmat).
- 
- The image shows a close-up of a weathered and rusted metal gas cylinder. Stenciled in black capital letters on the side of the cylinder are the words "HYDROGEN CHLORIDE" on the top line, "2.3-UN 1050" on the middle line, and "INHALATION HAZARD" on the bottom line. The cylinder is set against a dark, textured background.
- ❖ Emphasis must be placed on public health and safety.

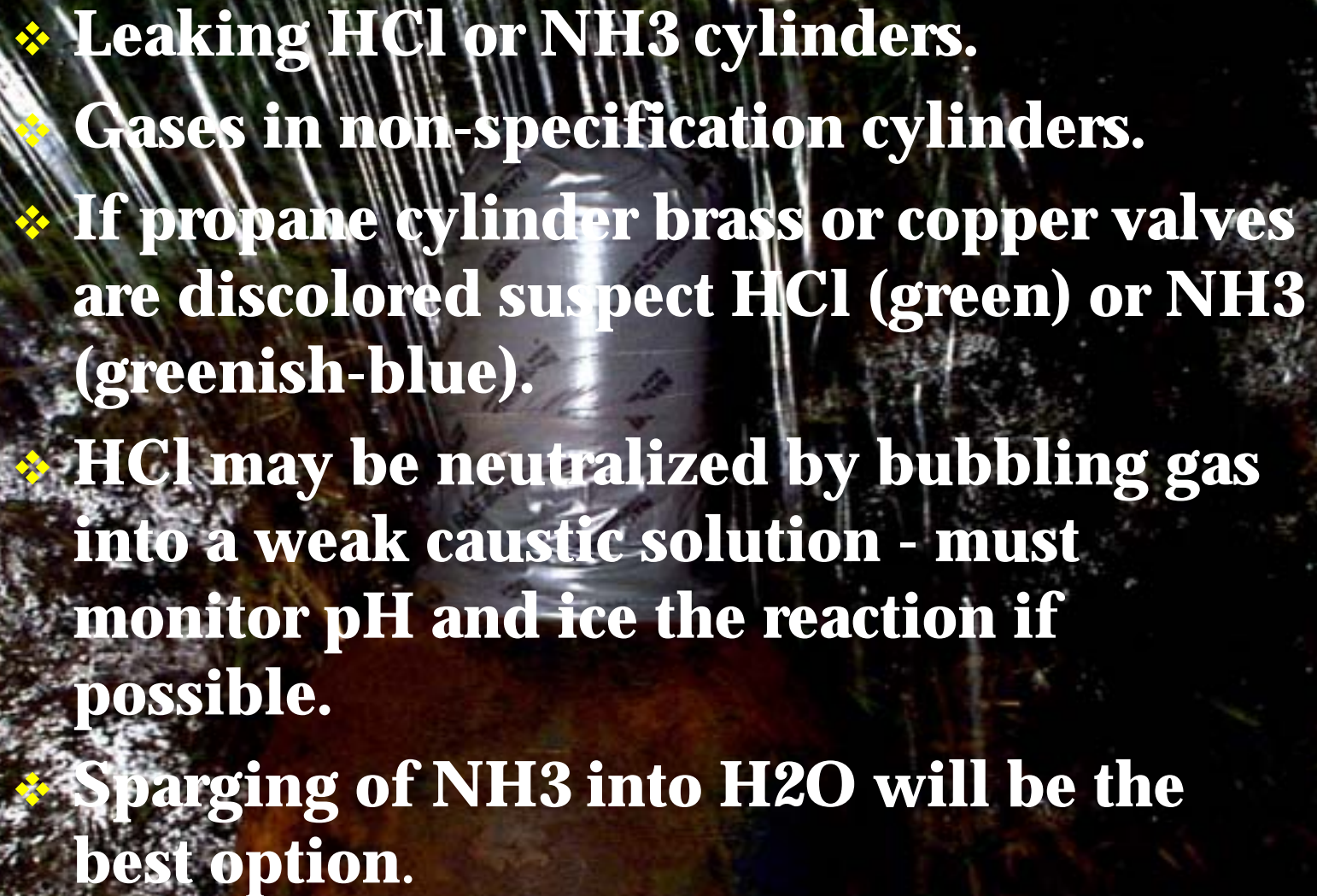
CYLINDER ASSESSMENT

- ❖ Determine if the cylinder or valving has been compromised or tampered with (conduct a visual inspection only).
- ❖ Assess for leaks or signs of corrosion.
- ❖ Determine if cylinder DOT specification is consistent with contents.
- ❖ For compromised or leaking cylinders, and non-specification cylinders, emergency mitigation will be necessary.

MITIGATION OPTIONS

- ❖ On-site controlled release, sparging or neutralization.
- ❖ Emergency relocation for off-site release, sparging or neutralization.
- ❖ For cylinders that may be catastrophically compromised, the services of a qualified bomb squad will likely be needed.
- ❖ Utilization of cylinder coffins is generally not an option.

ON-SITE NEUTRALIZATION

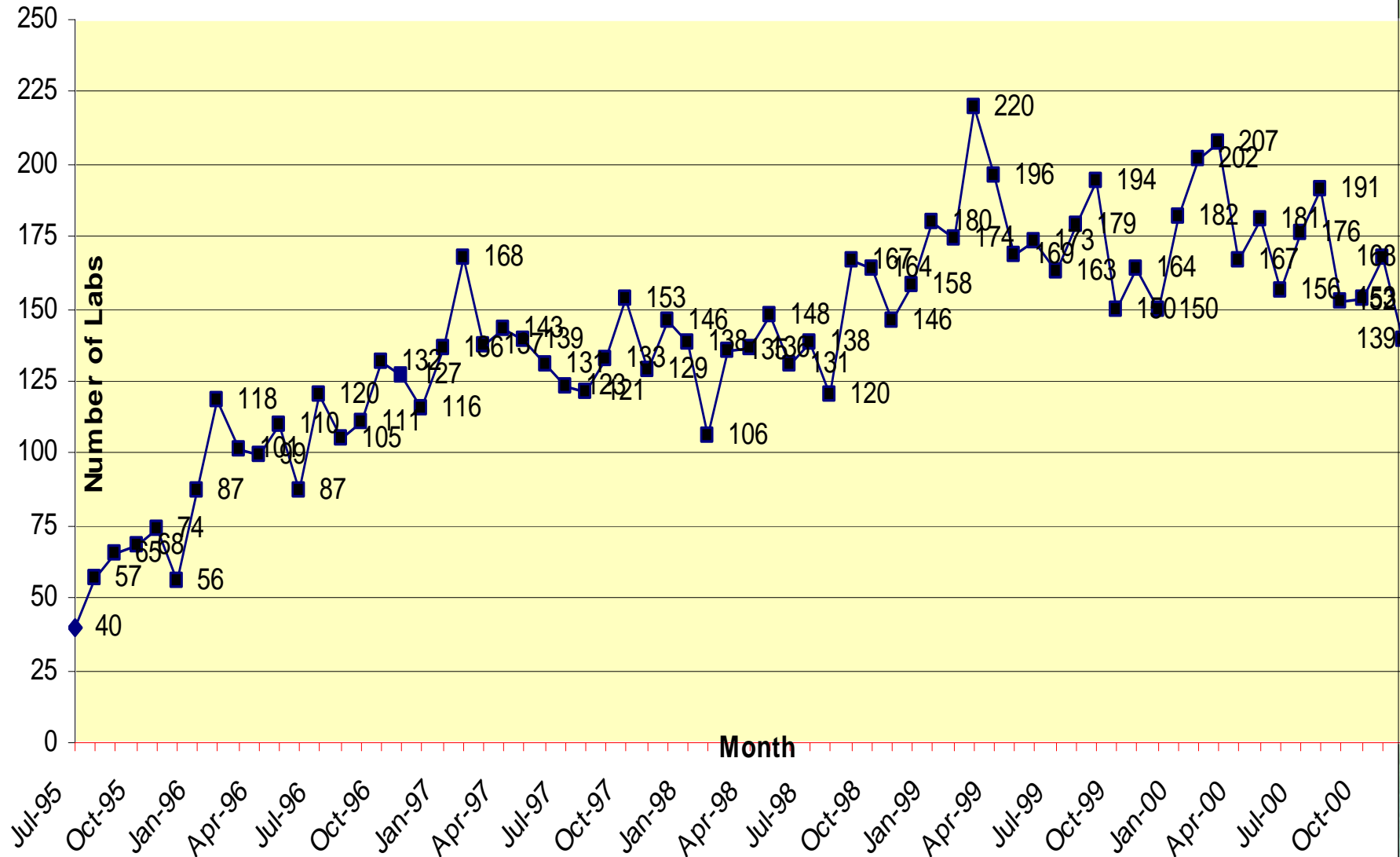
- 
- ❖ **Leaking HCl or NH₃ cylinders.**
 - ❖ **Gases in non-specification cylinders.**
 - ❖ **If propane cylinder brass or copper valves are discolored suspect HCl (green) or NH₃ (greenish-blue).**
 - ❖ **HCl may be neutralized by bubbling gas into a weak caustic solution - must monitor pH and ice the reaction if possible.**
 - ❖ **Sparging of NH₃ into H₂O will be the best option.**



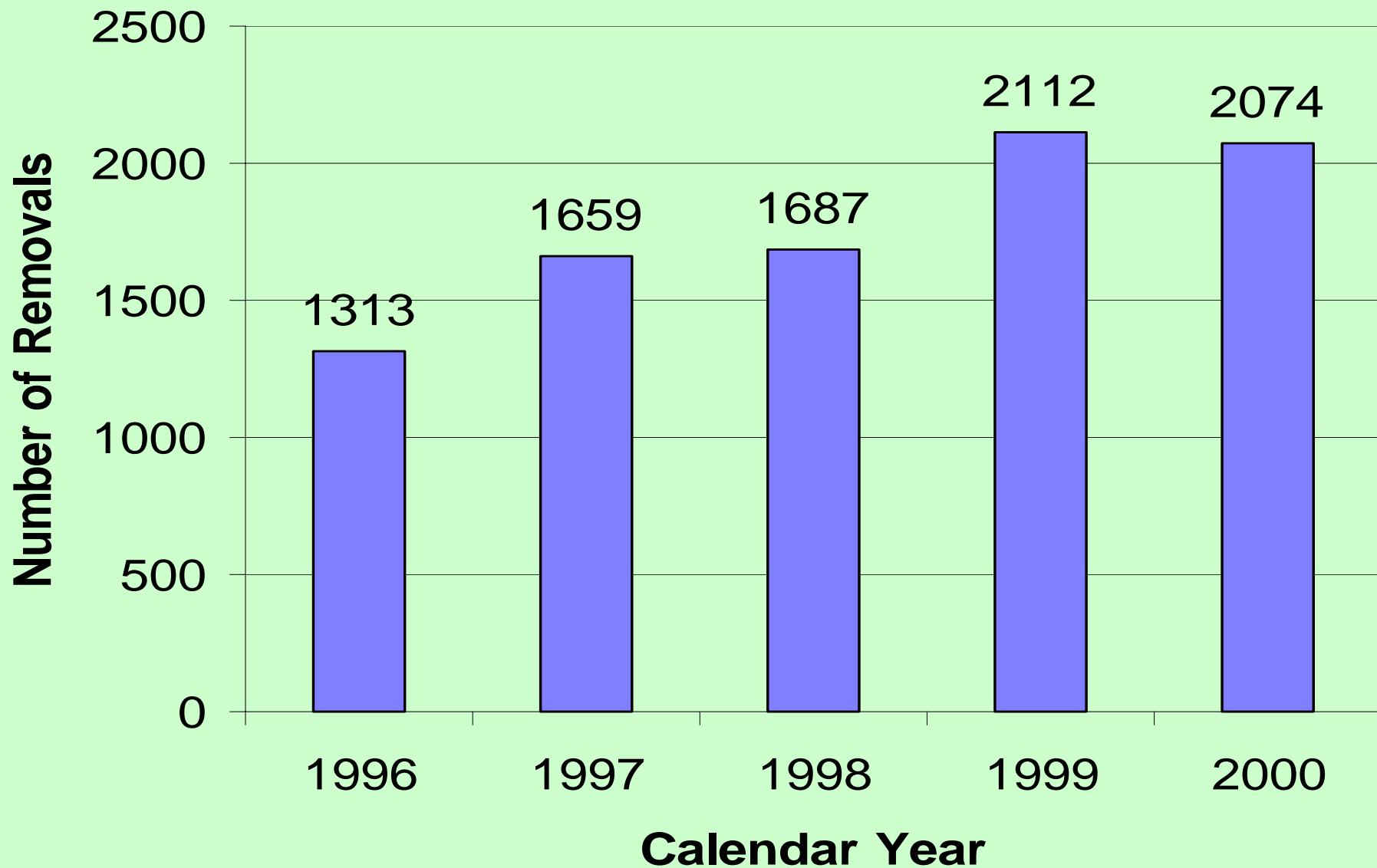
The Illegal Drug Lab Cleanup Account



CLANDESTINE DRUG LABORATORY REMOVALS



Clan Lab Removal Stats



DRUG LAB REMOVAL \$TATS

- ❖ FY 95/96 965 Labs; Budget = \$1.4 Million
- ❖ FY 96/97 1565 Labs; Budget = \$5.1 Million
- ❖ FY 97/98 1599 Labs; Budget = \$6.0 Million
- ❖ FY 98/99 2006 Labs; Budget = \$7.2 Million
- ❖ FY 99/00 2095 Labs; Budget = \$7.2 Million
- ❖ FY 00/01 ? Labs; Budget = \$7.5 Million
- ❖ FY 01/02 ? Labs; Budget = \$6.1 Million



How Clean is Clean?????



Hazardous materials in the bathroom.....



.....in the bathtub.....





.....in the kitchen.....





.....the bedroom.....



...in the closet....



..... the backyard.....



Toxic Chemicals Poured Into a Pit at a Mexican National Drug Lab



.....in the orchard.....



2 Liter Vessels From a Mexican National Drug Lab Discovered in a Hay Barn on a Horse



There Is No Safe Speed

Three toddlers' deaths spotlight the nation's latest drug epidemic

By ANASTASIA TOUFEXIS

THE DAY AFTER CHRISTMAS AN EXPLOSION boomed through the eucalyptus-dotted hills of Aguanga, a small town in Southern California. Concerned neighbors came running toward a large mobile home that had burst into flame. Kathy James, her son Jimmy, 7, and two men managed to scramble out, but trapped inside, screaming in terror, were James' three younger children—Deon, 3, Jackson, 2, and Megan, 1.

Neighbors were horrified, but James seemed oddly oblivious. Dazed and seriously burned, she insisted to a neighbor that she didn't want anyone to call for help. When rescuers began arriving, she and the men walked off with her son. By the time fire fighters discovered the children's charred bodies, James



BLOWN AWAY: A meth-lab explosion in Aguanga, California, killed Kathy James' children Deon, center, Jackson, right, and Megan. Older brother Jimmy, left, survived

the other states combined. "What Colombia is to cocaine, California is to methamphetamine," says Bill Mitchell, special agent in charge of the DEA's San Francisco office.

Most of the labs are sophisticated operations producing pounds of meth for distribution, usually safely. Alarming, however, more and more users are setting up dangerous "stove-top" labs to brew a few

Child found during meth lab raid

By Gus Thomson and Dan Foscaccia
Staff Writers/News Services/Contributors

COLEMAN — A team of narcotics agents raided a Colton duplex Friday and discovered not only a full-blown methamphetamine lab capable of producing hundreds of thousands of dollars worth of drugs.

In a bedroom, peeking over some covers, was an even more unsettling sight.

Amidst the splatter, the remains of explosives, and the stench of burnt plastic, a 4-year-old girl peered her head out.

"In 22 years of police work, this was the worst house I've been in," said one of the drug enforcement officers after the morning raid on the 25600-block Highway 174 residence. "There was no food. The neighbors were saying

the kids were hungry all the time. There were chemicals on the coffee table, in all the bedrooms, in the kitchen, in the bathroom, in all the cupboards."

The narcotics officer, who isn't being identified because of his involvement in ongoing investigations, said the chemical-laden house was a time bomb ready to explode.

"It's beyond me why they hadn't already had an explosion," he said.

Three adults — including the girl's parents — were arrested and taken into custody on a string of charges that include felony child endangerment, manufacture of a controlled substance, possession of a controlled substance for sale, and being under the influence of a controlled substance.

The girl was taken into custody by the Placer County Welfare Department's Children's Protective Services and was scheduled to undergo medical care at UC Davis Medical

Center. The girl's father, Erik, 34, said he was a single parent. He was arrested on charges of child endangerment, possession of a controlled substance for sale, and being under the influence of a controlled substance. He was scheduled to undergo medical care at UC Davis Medical

Pair get jail for home, day care drug labs

By Sherrie O'Neil
The Press-Enterprise

NORWICH VALLEY

The former director of a day care center and her husband were sentenced to jail Monday for creating methamphetamine labs in the center and their own home.

Last October, a hotheaded lab exploded in a toxic blast in the center's kitchen. The couple was arrested in February when police found a million-dollar lab in their garage.

Judge Justice McIntyre sentenced the two in Riverside Municipal Court for manufacturing methamphetamine at their

home in Riverside.

Charges against Napati's sister Ruth Eddens, who was arrested with the couple in February, were dropped. Jesse Napati was the mastermind behind the labs, Eddens said.

"We always thought Jesse was the main player," Eddens said. "Geraldine was more of an accessory who allowed him entry to the place."

Officials do not know how frequently the couple was using the center to create drugs, Eddens said. Since the explosion, a couple of parents who had sent their children to Starbrite have consulted with



Rheta Groat / The Press-Enterprise

Beaumont Police Cpl. Tony Augustyn talks to children found in a Beaumont house where a drug lab was discovered Tuesday.

Seven children at meth lab arrest site

► Three parents are arrested at a Beaumont home where police find methamphetamine manufacturing equipment and drugs within reach of the children.

By Rheta Groat
The Press-Enterprise

BEAUMONT

ly pouring floor, clay and dusting Chemicals and methamphetamine in the living room. NET investigators said. Shannon Bergman, 24, said she was arrested manufacturing amphetamines, pot sales and Geelan said in that order.

Police discover drug lab, with children, in East Hemet

By SCOTT BUTKI
The Hemet News

Another San Jacinto Valley methamphetamine lab was discovered Wednesday, this one in the 25800 block of Cornell Street in East Hemet.

Two children, 4 and 5, lived at the house near where the lab was located, said Orlando Lopez, task force commander of Allied Riverside

It was the 12th meth lab discovered by ARCNET in this part of the county so far this year, Lopez said.

The children's parents, David Kirk Wolny, 29, and Tamara Lyn Nelson, 36, were arrested. Wolny will be charged with manufacturing methamphetamine and possession of methamphetamine while Nelson will only face the possession charge, Lopez said. They will also be charged with child endangerment be-

Couple charged in death of infant son

► Police say a drug lab cost the baby his 8-week-old life.

By Jane Arbelae Jr.
The Press-Enterprise

RIVERSIDE

A Valle Vista couple whose 8-week-old son died — allegedly while the couple was operating a home drug lab — has been charged with involuntary manslaughter and ordered to stand trial, said Deputy District Attorney Tim Frier.

In an unusual legal move, Judge J. Thompson Hanks on Thursday added the felony charge on his own during a two-day preliminary hearing for Erika Daniels and Gabe Stephens.

They had been charged initially with child endangerment and making drugs. Hanks ruled there was enough evidence for the couple to be tried on all three felony charges.

The case was one of a series that authorities contend show the dangers of drug manufacturing where children are present. Last December, three children died when a suspected drug lab exploded in their Aguanga home.

On Dec. 4, 1994, authorities found the body of Joshua Stephens at the couple's Palm Avenue home east of Hemet.

Sheriff's Detective Henry Sawicki said authorities became suspicious because the parents waited two hours to call 911 after finding the child dead in his bassinet. He

said, negative now and smelted evidence that methamphetamine was being produced. Evidence was found in a shed in the back yard and in a nearby orchard, leading authorities to believe Stephens tried to dispose of some drug lab paraphernalia before he summoned help, Sawicki has said.

Toxicology tests showed "acute methamphetamine intoxication," meaning the baby had measurable amounts of methamphetamine in his system, Sawicki said. Frier said forensic pathologist Darrell Garber testified that the drug was a contributing factor in the child's death.

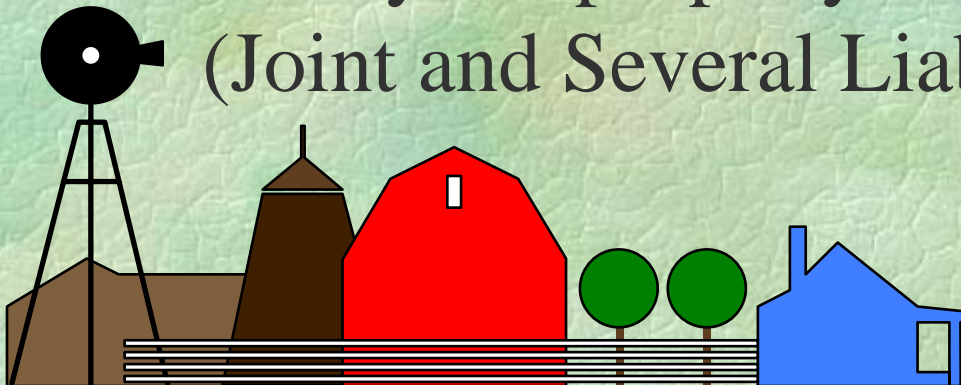
The cause of death was "positional asphyxiation," meaning the child's breath-

Please see COUPLE, B-8

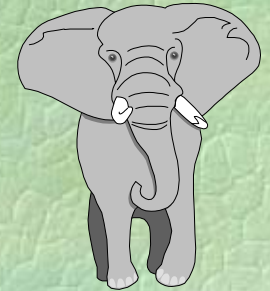
Remediation of Clandestine Drug Lab Properties

- No current state program
- Oversight responsibility rests with the local health authority
- Burden of cost falls on the operators and ultimately the property owners

(Joint and Several Liability)



SENATE BILL(SB) 1248



- Effective January 1, 1996.
- H&SC Sections 512 through 512.4
- Establishes a cleanup program which allows a local health agency to supervise the remedial action taken at a site, set cleanup action taken at a site, and issue a letter or other document that certifies that the cleanup goals were accomplished.



LOCAL AGENCY AUTHORITIES

- H&SC Sections 450 & 500: Requires the county board of supervisors or the governing body to take necessary measures to preserve and protect the public health, including the adoption of ordinances, regulations, and orders.
- H&SC Sections 452 & 504: Requires the county or city health officers to enforce all orders and ordinances pertaining to the public health...

LOCAL AUTHORITY (CONT.)

- H&SC Sections 470 & 474: Permits the DTSC Director or the county's health officer to declare a health emergency ... when there is an immediate threat to the public health.
- H&SC Sections 25187.7 & 25180: Gives authorized health officer authority to enforce HWCA (Chapter 6.5) regulations & standards.

RESPONSIBLE PARTIES

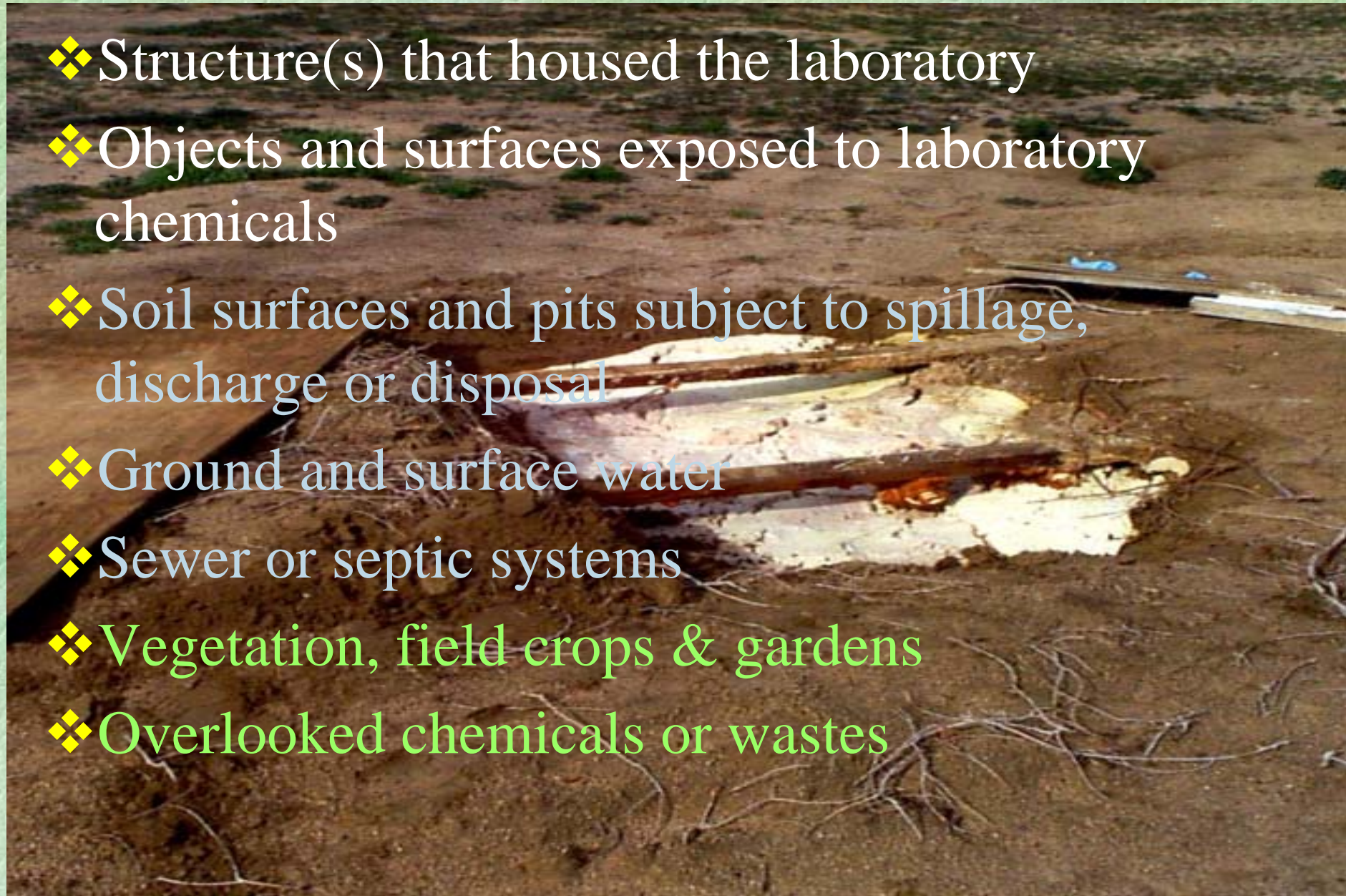
- ❖ Definition per H&SC Section 25323.5(a)(1) “Responsible party” or “liable person,” for the purposes of this chapter (**6.8**), means those persons described in Section 107(a) of the federal act (42 U.S.C. Sec. 9607(a)).
- ❖ CERCLA: Joint & Several Liability

REMEDIAL ACTIONS: WHEN TO BEGIN?

- Before the removal action
- Early involvement provides important knowledge and opportunity to:
 - Access the lab under law's warrant
 - ID the type of lab & process
 - Assess the layout & chemicals
 - Sample and photo-document
- Can then implement interim measures, such as quarantines, pending further assessment or remedial action.

AREAS OF CONCERN

- ❖ Structure(s) that housed the laboratory
- ❖ Objects and surfaces exposed to laboratory chemicals
- ❖ Soil surfaces and pits subject to spillage, discharge or disposal
- ❖ Ground and surface water
- ❖ Sewer or septic systems
- ❖ Vegetation, field crops & gardens
- ❖ Overlooked chemicals or wastes



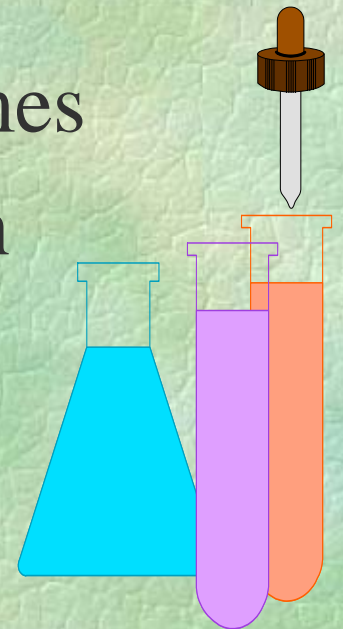
CLEANUP PROCESS

- Pre-removal site assessment
- Removal action
- Post-removal quarantine, if necessary
- Attach note to title (cloud the title)
- Pre-remedial assessment
- Remedial action
- Post-remedial assessment (audit)
- Certification for re-occupancy



ENVIRONMENTAL SAMPLING

- What is it, where is it, and how much is there?
- Air, soil, water, material & surface
- Know your sampling protocols, preservatives & sample holding times
- Chain-of-custody & documentation
- Coordinate with your lab prior to sampling



IS THERE METH TO THIS MADNESS?

- Field screening for sampling points (use corrosivity)
- Test for Phosphorus (EPA 300/365.2)
- Test for Iodine (EPA 300/1010/1020)
- Test for Lead, Mercury (EPA Method 6010/6020)
- Test for solvents (EPA 8260/8270)
- Test for ephedrine & meth (EPA 8270)
- Test for aziridines/naphthalenes (8270)

CLEANUP LEVELS?!

- No regulatory thresholds established for controlled substances
- Recommend non-detection for residential structures
- Existing levels for specific chemicals which may have been used as solvents
- Existing levels for heavy metals
- Use background levels
- State of WA uses 5 ug/sqft for Meth

JUST A FEW PROBLEMS

- ❖ Finding an analytical laboratory capable of processing the samples
- ❖ Establishing standards for controlled substance precursors, products and a range of intermediate by-products
- ❖ Establishing toxicological thresholds for regulatory use.

REMEDIATION ISSUES

Sampling protocols

Risk assessment

Cleanup Standards

Rehabilitation

Risk Management Decisions

Funding

Legal Authority

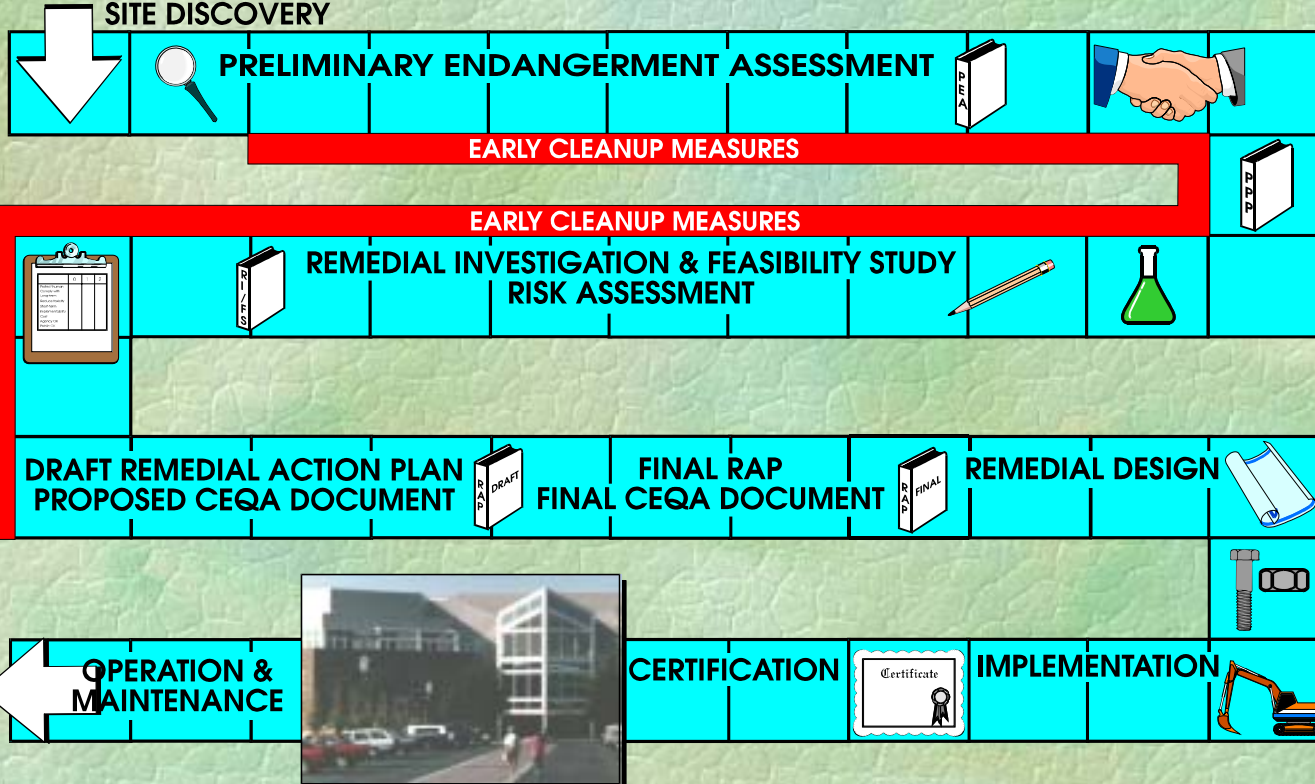


Follow the yellow brick road....

SITE MITIGATION PROCESS



SITE DISCOVERY



Emergency....May Day....

- Clan lab removals are considered emergency operations. Thus we don't....
 - CEQA
 - Conduct public meetings, do fact sheets, insure public participation
 - Collect extensive amounts of data, due QAP, etc.
 - Certify that the site is clean or has met any remedial objectives.....

DTSC Clan Lab Cleanup Demonstration Grant-1993

❖ Findings:

- ❖ Visual assessment not reliable
- ❖ Standard decon methods ineffective on porous media (carpets, drapes, drywall, etc)



❖ Recommendations:

- ❖ Establish criteria for determining if remediation is necessary and to what extent
- ❖ Establish protocols for sampling, analysis and cleanup process
- ❖ Establish dedicated program to improve communication and develop policies/procedures, guidance, legislation, etc.



Challenges: *Technical*

- Clan labs are not NPL Superfund sites.
- NO DATA - nada, nil, zero, zilch..
- Risk assessment v. exposure assessment v. risk management decision
- Interior space issues
- No standard:
 - sampling protocols
 - analytical methods
 - meth cleanup numbers
- Meth as an indicator?
- Low detection limits are a mixed blessing
- Qualitative v. Quantitative

Challenges: *Legal*

- CERCLA and HSC only state authority
- Local authority
 - nuisance - code enforcement
 - no delegation of 6.8
 - enforcement tough
- Cost Recovery
- Public notice and disclosure
 - sites can slip through the cracks
 - particularly a problem for rental property

Challenges: *Fiscal*

- How do we factor in cost/benefit?
 - Investigation v. Restoration v. the D9
- Who Pays for Cleanup?
 - Cooks
 - Property Owners
 - Insurance
 - Government
- How can local and state program oversight and implementation be funded?
 - Cost Recovery
 - Fees
 - General Fund
 - Creative Financing

Challenges: *Political*

- High Visibility
 - Media
 - Legislature and Congress
 - Public
- Environmental Justice
- Public Perception
 - rural issue?
- Children's Health Issue
- Sensitive Issues:
 - Property rights
 - Disclosure
 - Course of “relief” must be available for cooperative property owners
 - Inability to answer the basic question, “Is it safe yet?”

The Future - Where Do We Go From Here?



DTSC's "*Strategy*"

- Meth Workshop. State and local meeting to discuss the key issues and cleanup strategies.
 - CA, WA, OR, ID, AZ, MO, KS, UT, IL
 - San Diego, Riverside, Contra Costa, Sacramento
 - CUPA Forum Board Representative
 - HML, OEHHA, US EPA

Different approaches - same challenges

- Statutory driven programs: Washington and Oregon
 - Formal cleanup “standards”: WA 5ug/ft² meth OR .5 um/ft² meth. Not health based #s
 - Certification of Clan Lab Remediation Contractors
 - Listing of contaminated sites and sites rendered “fit for use.”
 - WA has limited funding. OR all fee based.

Outreach and Training

- ❖ Continued health and safety training for response personnel.

- ❖ Workshops and awareness training for private businesses, members of the public and community groups.



Interagency Coordination

- ❖ DTSC to take the initiative.
- ❖ Stakeholder Input
- ❖ Improve communication and planning between law enforcement, health, fire, CPS, supporting agencies and the public.

Guidelines and Protocol Development

- ❖ Improve Awareness
- ❖ Good Science and research
- ❖ Common Sense
- ❖ Legal Authority
- ❖ Funding Options
- ❖ Focus on protection of health and environment

